

Renumbered 5/12/2015

10-2-109 Incorporation petition -- Requirements and form.

- (1) At any time within one year of the completion of the public hearings required under Subsection 10-2-108(1), a petition for incorporation of the area proposed to be incorporated as a city may be filed in the office of the clerk of the county in which the area is located.
- (2) Each petition under Subsection (1) shall:
 - (a) be signed by:
 - (i) 10% of all registered voters within the area proposed to be incorporated as a city, according to the official voter registration list maintained by the county on the date the petition is filed; and
 - (ii) 10% of all registered voters within, subject to Subsection (5), 90% of the voting precincts within the area proposed to be incorporated as a city, according to the official voter registration list maintained by the county on the date the petition is filed;
 - (b) indicate the typed or printed name and current residence address of each owner signing the petition;
 - (c) describe the area proposed to be incorporated as a city, as described in the feasibility study request or modified request that meets the requirements of Subsection (3);
 - (d) state the proposed name for the proposed city;
 - (e) designate five signers of the petition as petition sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each;
 - (f) state that the signers of the petition appoint the sponsors, if the incorporation measure passes, to represent the signers in the process of:
 - (i) selecting the number of commission or council members the new city will have; and
 - (ii) drawing district boundaries for the election of commission or council members, if the voters decide to elect commission or council members by district;
 - (g) be accompanied by and circulated with an accurate plat or map, prepared by a licensed surveyor, showing the boundaries of the proposed city; and
 - (h) substantially comply with and be circulated in the following form:

PETITION FOR INCORPORATION OF (insert the proposed name of the proposed city)
To the Honorable County Legislative Body of (insert the name of the county in which the proposed city is located) County, Utah:

We, the undersigned owners of real property within the area described in this petition, respectfully petition the county legislative body to submit to the registered voters residing within the area described in this petition, at the next regular general election, the question of whether the area should incorporate as a city. Each of the undersigned affirms that each has personally signed this petition and is an owner of real property within the described area, and that the current residence address of each is correctly written after the signer's name. The area proposed to be incorporated as a city is described as follows: (insert an accurate description of the area proposed to be incorporated).
- (3) A petition for incorporation of a city under Subsection (1) may not be filed unless the results of the feasibility study or supplemental feasibility study show that the average annual amount of revenue under Subsection 10-2-106(4)(a)(v) does not exceed the average annual amount of cost under Subsection 10-2-106(4)(a)(iv) by more than 5%.
- (4) A signature on a request under Section 10-2-103 or a modified request under Section 10-2-107 may be used toward fulfilling the signature requirement of Subsection (2)(a):
 - (a) if the request under Section 10-2-103 or modified request under Section 10-2-107 notified the signer in conspicuous language that the signature, unless withdrawn, would also be used for purposes of a petition for incorporation under this section; and

- (b) unless the signer files with the county clerk a written withdrawal of the signature before the petition under this section is filed with the clerk.
- (5)
- (a) A signature does not qualify as a signature to meet the requirement described in Subsection (2)(a)(ii) if the signature is gathered from a voting precinct that:
 - (i) is not located entirely within the boundaries of the proposed city; or
 - (ii) includes less than 50 registered voters.
 - (b) A voting precinct that is not located entirely within the boundaries of the proposed city does not qualify as a voting precinct to meet the precinct requirements of Subsection (2)(a)(ii).